

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

TIMOTHY SANDERS,

Plaintiff,

v.

CASTANEDA, *et al.*,

Defendants.

Case No. 2:22-cv-01373-APG-EJY

ORDER

On August 24, 2022, Plaintiff, an inmate in the custody of the Nevada Department of Corrections, filed an application to proceed *in forma pauperis* (“IFP”) together with a civil rights Complaint under 42 U.S.C. § 1983. ECF Nos. 1, 1-1. Plaintiff did not sign his IFP application nor his complaint. *Id.* Because Plaintiff did not sign his IFP application, Plaintiff may not proceed with *in forma pauperis* status. As such, Plaintiff’s IFP application is denied without prejudice.

Under Rule 11 of the Federal Rules of Civil Procedure, a plaintiff who is not represented by counsel is required to sign every pleading, including a complaint. Fed. R. Civ. P. 11(a). Plaintiff failed to sign his Complaint; therefore, the Court cannot consider it. If Plaintiff chooses to file an amended complaint, he is advised that the amended complaint replaces the original complaint, thus the amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that “[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading supersedes the original”). Plaintiff’s amended complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in this lawsuit. Moreover, Plaintiff must file the amended complaint on this Court’s approved prisoner civil rights form, and it must be entitled “Amended Complaint.”

Accordingly, IT IS HEREBY ORDERED that Plaintiff’s application to proceed *in forma pauperis* (ECF No. 1) is DENIED without prejudice.

1 IT IS FURTHER ORDERED that the Court will not consider Plaintiff's unsigned
 2 complaint (ECF No. 1-1). If Plaintiff chooses to file an amended complaint, the document must be
 3 titled "Amended Complaint." The amended complaint must contain a short and plain statement
 4 describing the underlying case showing that Plaintiff is entitled to relief. Fed. R. Civ. P. 8(a)(2).
 5 Although the Federal Rules of Civil Procedure adopts a flexible pleading standard, Plaintiff still
 6 must give Defendant fair notice of Plaintiff's claims.

7 Additionally, Plaintiff is advised that if he files an amended complaint, the original
 8 Complaint (ECF No. 1-1) no longer serves any function in this case. As such, the amended
 9 complaint must be complete in and of itself without reference to prior pleadings or other
 10 documents. The Court cannot refer to a prior pleading or other documents to make Plaintiff's
 11 amended complaint complete.

12 IT IS FURTHER ORDERED that Plaintiff is granted an extension of time up to and
 13 including **November 7, 2022** to file a **signed** application to proceed *in forma pauperis* containing
 14 **all three of the required documents** and a **signed** amended complaint. Absent unusual
 15 circumstances, the Court will not grant any further extensions of time.

16 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved
 17 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled
 18 information and instructions for filing an *in forma pauperis* application. The Clerk of Court will
 19 also send Plaintiff the approved form for filing a § 1983 complaint, instructions for the same, and
 20 a copy of his initial complaint (ECF No. 1-1).

21 IT IS FURTHER ORDERED that failure to comply with the terms of this Order will result
 22 in a recommendation to dismiss this matter without prejudice for Plaintiff to refile the case with
 23 the Court, under a new case number, when Plaintiff is able to file a signed IFP application and
 24 amended complaint.

25 DATED this 7th day of October, 2022.

26 
 27 ELAYNA J. YOUCHAK
 28 UNITED STATES MAGISTRATE JUDGE